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PATENT APPLICATION

#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2842.09US01

Masaki Hayashi et al.

Confirmation No.: 7915

Application No.: 10/087,592

Examiner: William C. Joyce

Filed: March 1, 2002

Group Art Unit: 3682

For: SHIFT DEVICE AND SWITCH DEVICE THEREOF FOR VEHICLE

DN  
10/23/03

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**GROUP 3600**

Dear Sir:

In response to the Office Action dated September 17, 2003, Applicant, through his attorney, provisionally elects Group I consisting of Figs. 1-6 which read on claims 3-7. The Examiner has stated, without explanation, that the Figures 1-14 are addressed to 7 Groups and that the claims are directed to all of these Groups, and that the Groups are distinct.

The restriction requirement is respectfully traversed on the grounds that the particular reasons relied upon by the examiner were not stated by the Examiner so that the Applicant had no opportunity to address the Examiner's concerns to thereby traverse the restriction requirement and make the most suitable election of claims. In the absence of specific reasons for the restriction requirement, the requirement is not proper: "The particular reasons relied on by the examiner for holding that the inventions as claimed are either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given." MPEP 816. The Examiner is therefore requested to withdraw the restriction requirement and to examine all of the claims 1-11.

Moreover, the Examiner has not indicated why an undue burden of search would be required to examine all of the claims 1-11. The restriction requirement is therefore further traversed on the grounds that only a single search will be required for all of the claims. As explicitly stated in the MPEP: "If the search and examination of an entire application can be

made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." MPEP 803, emphasis added. In the present situation, Applicants believe that the claims can all be examined without significant additional burden since they all relate to a shift device in a vehicular automatic transmission and are therefore directed to a specific field of search. Therefore, Applicants respectfully request examination of all of the claims 1-11.

Respectfully submitted,



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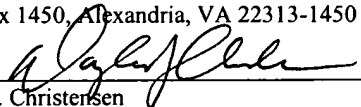
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CERTIFICATE OF MAILING

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Date of Deposit

Oct. 15, 2003

  
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Douglas J. Christensen